

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RAY GENE HARRINGTON,

Petitioner,

-v-

Case No. 06-C-475

**WISCONSIN DEPARTMENT
OF CORRECTIONS,**

Respondent.

DECISION AND ORDER

On April 10, 2006, Ray Gene Harrington (“Harrington”) filed a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254. Harrington claims in his petition that his counsel was constitutionally ineffective because his counsel did not interview certain witnesses, did not “raise issues pertinent to [his] claims,” and did not pursue other evidence that would have been beneficial to Harrington.

In response, the respondent filed a motion to dismiss the petition as untimely filed. Harrington did not respond to the motion.

The Court will grant the respondent’s motion to dismiss. Harrington was convicted on November 13, 1993. He appealed his conviction, and on August 16, 1995, the Wisconsin Court of Appeals dismissed his appeal. Because Harrington’s

conviction became final before April 24, 1996, the effective date of the Antiterrorism and Effective Death Penalty Act (“AEDPA”), he had until April 24, 1997, to file his federal habeas petition. *Freeman v. Page*, 208 F.3d 572, 573 (7th Cir. 2000).

Harrington missed this deadline by nearly nine years.

Accordingly, the Court must deny his petition and dismiss the case.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY
ORDERED THAT**

Harrington’s Petition for a Writ of Habeas Corpus (Docket No. 1) is **DENIED**.

The clerk is directed to close this case and enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 4th day of December, 2006.

SO ORDERED,

s/ Rudolph T. Randa

HON. RUDOLPH T. RANDA
Chief Judge